

STATE
PROPERTY

CODE
OF
VIRGINIA

1950

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Titles
51-54
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Pensions
to
Professions

1978
Replacement
Volume

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CODE OF VIRGINIA

1950

With Provision for Subsequent Pocket Parts

ANNOTATED

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1978 REPLACEMENT VOLUME

*(Including Acts of the 1978 Session and annotations taken from
Virginia Reports through Volume 218, p. 529)*



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CHARLOTTESVILLE, VIRGINIA

§ 53-318

CODE OF VIRGINIA

§ 53-322

The 1978 amendment substituted "Director" for "superintendent of the State penitentiary, at Richmond" and "State penitentiary in Richmond" for "penitentiary" in the first sentence, and substituted "Director" for "superintendent" in the fourth sentence.

§ 53-318. Transfer of convict; how death sentence executed; who to be present. — The clerk of the circuit court in which is pronounced the sentence of death against any felon shall after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director. Such person so sentenced to death shall be confined prior to the execution of the sentence in a correctional facility designated by the Director; provided, however, that not less than fifteen days before the time fixed, in the judgment of the court, for the execution of the sentence, the Director shall cause to be conveyed to the penitentiary in Richmond such condemned felon in the manner now prescribed by law for the conveyance of felons sentenced to confinement in the penitentiary. The Director, in his discretion, may appoint more than one guard to convey the condemned felon, and the expenses of such guard or guards shall be paid in the manner and under the requirements now prescribed by law for the conveyance of convicts to the penitentiary. The Director, or the assistants appointed by him, shall, at the time named in the sentence, cause the felon under sentence of death to be electrocuted until he is dead unless a suspension of execution be ordered. At the execution there shall be present the Director, or an assistant, a physician employed by the Department or his assistant, such other employees of the Department as may be required by the Director and, in addition thereto, at least six citizens who shall not be employees of the Department. The counsel for the convict and a minister of the Gospel may be present. (Code 1950, § 19-276; Code 1950 (Repl. Vol. 1960), § 19.1-303; 1960, c. 366; 1972, c. 145; 1978, c. 667.)

The 1978 amendment so changed the section as to make a detailed comparison impracticable. Among other things, however, it substituted references to the Director for references to the superintendent of the penitentiary at Richmond throughout the section.

§ 53-319: Repealed by Acts 1978, c. 451.

Cross reference. — For present section covering the subject matter of the repealed section, see § 53-319.1.

§ 53-319.1. Certificate of execution of death sentence. — After execution of the death sentence as provided in this chapter, the body of the condemned prisoner shall be examined by the physician in attendance to determine that death has occurred. The physician shall, in that event, pronounce the condemned prisoner dead. The Director shall certify the fact of the execution of the prisoner, appending the physician's death certificate thereto, to the clerk of the court by which such sentence was pronounced, and the clerk shall file such certificate with the papers of the case and shall enter the same upon the records of the case. (1978, c. 451.)

§§ 53-320, 53-321: Repealed by Acts 1978, c. 667.

Cross reference. — For present provisions covering the subject matter of the repealed sections, see § 53-316.

§ 53-322. Publication of details of execution. — No newspaper or person shall print or publish the details of the execution of criminals. Only the fact that

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